

**Phoenix Resort Corporation, d/b/a the Phoenician
and Arizona State District Council of Car-
penters, AFL-CIO, CLC. Case 28-RC-5020**

September 16, 1992

DECISION ON REVIEW

BY MEMBERS DEVANEY, OVIATT, AND
RAUDABAUGH

On April 17, 1992, the Acting Regional Director for Region 28 issued a Decision and Direction of Election finding the petitioned-for unit of golf course maintenance employees appropriate for collective bargaining. Pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations, the Employer filed a timely request for review of the Acting Regional Director's decision. The Employer contended that the petitioned-for unit was too limited in scope and that the unit must include the landscape employees as well as golf course maintenance employees. The Petitioner filed a response to the Employer's request for review.

By Order dated July 2, 1992, the Board granted the Employer's request for review as well as its motion for stay of the scheduled election. The National Labor Relations Board has delegated this proceeding to a three-member panel.

The Board has considered the entire record in this proceeding including the Employer's brief on review¹ and concludes, in agreement with the Employer, that the petitioned-for unit is not an appropriate unit. The Board further concludes that a unit of golf course maintenance and landscape employees is an appropriate unit for bargaining.

The Employer operates a resort hotel with a golf course located on adjoining grounds. During the peak season, approximately 1100 to 1200 employees work in the Employer's 30 or more departments. During the summer, the total employee complement is approximately 800 to 900. Both the golf course maintenance and landscape departments are under the jurisdiction of Technical Services Director Orville Thompson. Each department has a superintendent, assistant superintendent, and an employee complement. The finance department prepares separate budgets for golf course maintenance and landscaping in order to be accurately apprised of the revenue separately produced by the golf course. The landscaping budget is allocated to resort support by the financial department.

Generally, department heads make hiring decisions for their own departments after clearance by the human resources department. Termination decisions are initially reviewed by the supervisor or department head and then sent to human resources for final action. Supervisors or department heads make recommendations

on pay increases at the time of review and these recommendations are forwarded to the vice president and president for final review and approval. Each supervisor takes care of time off and sick leave. The scheduling is done by each supervisor or leadman/assistant. When setting salary or other economic terms and conditions of employment, the Employer looks to prevailing conditions in the Phoenix area for guidance.

About 24 employees comprise the golf course maintenance department while there are approximately 31 employees in the landscape department. All employees are full time and hourly paid with the exception of one golf course mechanic who is salaried. Golf course and landscape employees are separately supervised by superintendents. The superintendents meet on a daily basis with their immediate superior, the technical services director, and each superintendent then meets with his departmental employees to go over the day's work. All employees eat in the same cafeteria at staggered lunchtimes although they tend to sit with the employees in their department. There are also infrequent division meetings at which all employees are present.

Golf course and landscape employees report to the maintenance shed each morning punching the same timeclock.² However, the two departments' starting times are staggered by one-half hour in order to avoid congestion in the maintenance yard. Most of the equipment used by both departments is stored in the maintenance yard although landscaping stores some of its equipment in another area.

Golf course maintenance employees are responsible for the care and upkeep of all golf course grounds. They cut and fertilize or maintain the grass, care for the bunkers, care for all the landscape elements of the golf course, and care for the golf course irrigation system, pumping system, and bathrooms. The 24 employees include 3 mechanics who work on small equipment used for golf course maintenance including lawnmowers, power mowers, and sharpening reels.

Landscape employees provide for the care and upkeep of the landscape other than the golf course. They fertilize, cultivate, prune, and cut grass and other landscape features. They also care for all the trees at the resort including trees located on the golf course.

A separate fleet service department maintains, repairs, and services all larger equipment. This includes the backhoes, large tractors, and roadway vehicles. Fleet service not only services equipment for golf course maintenance and landscape but also services equipment for the entire resort.

Both golf course maintenance and landscaping utilize similar equipment which is usually separately assigned. This equipment includes weed eaters, push

¹ The Employer does not contest the Acting Regional Director's finding that the Board would assert jurisdiction over this Employer.

² There are "a couple" landscaping employees who punch in at dawn at the club house to perform "hardscape" duties, e.g., maintenance of the swimming pools.

mowers, riding triplex mower, multigang mowers, a ford tractor, a ford farm implement, a tractor, and backhoe.

Smaller utility vehicles are assigned departmentally while major equipment like the pickup and dump trucks are shared. Smaller power tools are used principally by one or the other of the departments but are shared from time to time. For instance, the triplex mowers are generally used by the golf course but landscaping does use them to maintain a cassia lawn area. Golf course maintenance employees cut the putting green and lawn bowling areas even though these are not located on the golf course.

Fertilizers, supplies, and chemicals are drawn from the same sources but separate accounting is kept for the two departments' uses because the golf course is a separate profit center. For about 3 to 6 months prior to the hearing, employees have been wearing identical uniforms in the two departments.

When management changed in 1989, new management perceived a disparity in the starting wages of golf course maintenance and landscaping with landscaping being paid at a higher level. Management has attempted to bring these into parity by capping, by and large, the landscaping wages.³ All employees receive the same benefits. The human resources department sets wage levels pursuant to market surveys.

Some different skills are required within each department and between the two departments. For instance both departments have an irrigation specialist. Landscaping has four rock masons and concrete workers while there is no equivalent in golf course maintenance. Landscaping also has three heavy equipment operators for the backhoes and front loaders while the golf course maintenance superintendent does this work in golf course maintenance. Landscaping has one welder fabricator for ornamentals and fences while golf course maintenance has a mechanic who is a qualified welder and does less highly skilled field repair work.

Usually each department works in its own area. To the extent these areas are adjacent, the employees come into contact with each other. However, there have been some projects on which they worked jointly. For example, in early 1990, the departments worked together on an extensive drainage alteration project involving moving sidewalks, recontouring landscape, and creating new drainage passages. This work lasted about 6 weeks.

³ Technical Services Director Thompson testified that he did not know what the average wage was when he arrived in 1989. He was aware that there was a disparity which he wanted to "normalize." He believes currently the highest paid landscaping employees receives about \$9 plus per hour and that the highest paid golf course maintenance employees make \$6 plus per hour. A golf course employee who has been employed for 4 years stated that he began at \$4.75 per hour and now earns \$5.50 per hour.

In the spring of 1992 there was a conversion of the Jokake area involving contouring and adding bunker work. This was done by golf course maintenance while landscaping did one side of a berm. This project took 6 to 8 weeks. There is also an ongoing joint effort on the perimeter fence.

Landscaping employees have built steps and done the rock work on the driving range and the golf course; assisted in converting the greens to bent grass; installed decorative lighting along the first fairway, tree elements, and water features around the clubhouse; and performed trenching and placing conduit, pruning, and maintenance of trees. When there are large functions or joint efforts, the two groups work together without retaining discrete lines.

The Act allows a union to petition for *an* appropriate unit. This does not necessarily mean that the unit will be the *most* appropriate or that there might not be others more appropriate. In *Omni International Hotel*, 283 NLRB 475 (1987), the Board reinforced the applicability of this general principle to the hotel/motel industry.

While we recognize and adhere to this principle, in disagreement with the Acting Regional Director, we are unable to find that the golf course maintenance department employees possess a separate community of interest from landscaping employees. On the facts of this case, we find such a high degree of overlap in job functions as well as a high degree of shared community of interest among landscaping and golf course maintenance employees that, in agreement with the Employer, we find golf course department employees do not constitute a separate appropriate unit. In further agreement with the Employer, we find that golf course maintenance department and landscaping department employees constitute an appropriate unit.

As the record amply demonstrates, the employees enjoy similar wages, hours, benefits, and working conditions. Their work involves cutting, grooming, pruning, caretaking, fertilizing, maintaining, and irrigating. Although separately supervised, their supervisors meet daily with a common director and plan each day's work. All hiring, firing, and labor relations decisions are centrally administered with at least some commingling of functions. The groups are instructed to assist each other with projects and they perform limited functions on each other's areas.

Although there is no evidence of interchange between the two groups, there is a certain functional integration. They work together on common projects on a regular basis.

Their general skill levels are strikingly similar. They use similar equipment stored in the same area. They report to the same facility, punch the same timeclock, wear the same uniforms, work the same number of hours per shift, and share the same lunchroom. Al-

though there has been a past disparity in wages, the record reflects management's decision to bring wages into parity.

Although we have occasionally found appropriate a separate unit of maintenance employees even where there were other maintenance employees in the facility, in those cases the unit found appropriate typically demonstrated unique skills or functions differentiating them from other maintenance employees. See, e.g., *Omni*, supra, 283 NLRB 475; *University of Hartford*, 295 NLRB 797, 798 (1989). In this case, no such special skills or functions differentiate the two groups.

Accordingly, based on our review of the record utilizing our traditional community-of-interest criteria, we find that golf course maintenance department employees alone do not constitute an appropriate unit.

We also conclude, based on this record, that golf course maintenance employees and landscaping employees constitute an appropriate unit. The Petitioner did not indicate whether it wished to proceed in such a unit. We therefore remand this matter to the Regional Director for Region 28 for further proceedings consistent with this decision.